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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

NIGER

[27 April 1994]

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I. GENERAL MEASURES OF IMPLEMENTATION

1. Like the other African countries, Niger has sought to fulfil its undertakings to the 1990 World Summit for Children by setting up, with the Prime Minister as Chairman, a National Committee for the Survival, Protection and Development of Children and by drawing up a National Programme of Action for the Survival, Protection and Development of Children in Niger 1991-2000.

2. Following the undertakings given at the World Summit for Children in New York in 1990, Niger drew up a National Programme of Action which presents in general terms the major options and the choices made by the Government for the period up to the year 2000. The activities provided for in the National Programme of Action will be included in the next economic and social development plan for Niger.

3. The following are the general objectives of the National Programme of Action:

(a) To reduce the mortality rate among children under the age of five years by at least one third (from 225 per 1,000 to 132 per 1,000) between 1992 and the year 2000;

(b) To reduce the infant mortality rate by at least one third (from 132 per 1,000 to 98 per 1,000) between 1992 and the year 2000;

(c) To reduce maternal mortality by half (from 7 per 1,000 to 3.5 per 1,000) between 1992 and the year 2000;

(d) To reduce by half (from 16.8 per cent to 8.4 per cent) the rate of severe and moderate malnutrition among children under the age of five years;

(e) To enable all families to have access to a safe water supply and a healthy environment.

4. In order to attain these objectives, Niger has adopted the Bamako Initiative's global strategy, which includes the following elements:

(a) Integration of activities at all levels;

(b) Appropriate personnel training;

(c) Provision of equipment for health services;

(d) Effective involvement of the other development sectors (planning, education, agriculture, water resources, environment, etc.);

(e) Decentralization of the programme in order to give preference to rural areas;

(f) Full participation of the population;

(g) Mobilization of society and of resources.

5. In order to emphasize the urgency of the action to be taken a committee of limited membership was established. This committee has been instructed to prepare a document outlining the national plans and strategies for achieving the intermediate objectives by the end of 1995. The intermediate objectives are as follows:

(a) To increase to 50 per cent or more vaccination coverage for the six antigens of the Expanded Programme of Immunization;

(b) To eliminate neo-natal tetanus;

(c) To bring the measles mortality rate to 95 per cent and the morbidity rate to 90 per cent of the rates prior to immunization;

(d) To eliminate poliomyelitis in certain areas;

(e) Virtually to eliminate vitamin A deficiency;

(f) To increase to 80 per cent the use of oral rehydration therapy under the diarrhoeal illnesses programme;

(g) To transform all the general and maternity hospitals into "babies' friends" by ending the free distribution of children's food supplements and breast milk substitutes by following the 10 steps recommended by UNICEF and WHO;

(h) To eradicate the Guinea worm;

(i) To secure ratification of the Convention on the Rights of the Child by all countries.

6. A round-table attended by the donors and the participants in the programme is to be held shortly for the purpose of defining their respective responsibilities.

7. In order to make the principles and provisions of the Convention widely known, pursuant to article 42 of the Convention, Niger has implemented the Organization for African Unity's resolution 51 of July 1990, which set 16 June of each year as the date for commemorating the Soweto massacres by instituting the Day of the African Child. For the last three years, Niger has been commemorating this day with socio-cultural events in which children are the principal participants.

8. In accordance with article 44, paragraph 6, of the Convention, Niger plans to make the present report widely available to the public in Niger through the information media.

II. LEGAL DEFINITION IN NIGER OF THE CONCEPT OF THE CHILD

9. The concept of the child is not expressly defined in connection with the various subjects dealt with in the internal law of Niger. It would have been appropriate to include such a definition in the draft Family Code, but this was not done. There is no express definition of this concept.

10. The concept can be defined, however, through the concept of minority. The Civil Code of Niger provides in article 388 that a minor is a person of either sex who has not yet completed his twenty-first year. Civil majority is attained at the age of 21 years and criminal majority at 18 years. However, the Constitution of 26 December 1992 brought the age of majority down to 18 years, so that the Civil Code and the Criminal Code can be harmonized, thus aligning with article 1 of the Convention.

11. The draft Family Code refers to the minor child and this concept of minority therefore does not suffice to define the concept of the child. The preliminary draft of the Family Code provides that a man, before the age of 21, and a woman, before the age of 16, cannot enter into marriage. However, where there are serious reasons for doing so, an exception to this minimum age may be allowed by the local administrative authority. The age of 21 years adopted in the preliminary draft Code would appear to have been justified by the desire to delay the age of first marriage, within the context of family planning. Also in this context, a regulation issued by the Ministry of Health requires a minor consulting a family planning doctor to be accompanied by his or her parents.

12. As regards criminal responsibility, article 45 of the Criminal Code of Niger provides that minors under the age of 13 years do not have criminal responsibility. Article 46 of the Criminal Code provides that if it is found that a minor under the age of 18 years was not acting with due discernment he must be acquitted. However, depending on the circumstances, he must be the subject of measures of protection, assistance or rehabilitation.

13. As regards employment, the Labour Code and the Civil Service Regulations provide that all citizens of 18 years or over may be recruited as workers or officials.

14. Lastly, males over the age of 18 may be called up for military service.

III. GENERAL PRINCIPLES

15. The State of Niger, which achieved independence in 1960, has signed the 1946 Universal Declaration of Human Rights and the World Declaration on the Survival, Protection and Development of Children adopted at the World Summit in 1990.

16. Niger also inherited colonial legislation that already provided for improvement of the status of the child, including a 1928 decree, still in force, establishing, in the territories administered by the French Ministry for Overseas Territories, special children's courts and the regime of supervision for minors.

17. During the period since independence, other texts providing for protection machinery have been adopted. There is first of all the Criminal Code, which includes sections on criminal minority and the prevention and punishment of crimes and other offences against children and the family. Then there are the civil register and nationality ordinances and also certain provisions of the Labour Code. However, much still remains to be done and the future Family Code will no doubt enable substantial progress to be made.

IV. CIVIL RIGHTS AND FREEDOMS

18. As regards the right to life (art. 6), the Criminal Code of Niger provides for the prevention and punishment of abortion and infanticide.

19. As regards the right to a name and to a nationality (art. 7), Niger, on attaining independence, inherited the French Civil Code, which grants everyone the right to a name, a right that is made inalienable. Ordinance No. 85-05 of 29 March 1985 on the organization and functioning of the Civil Register makes the declaration of births compulsory. The declaration of a birth automatically gives rise to the recording of particulars of the child in the Civil Register. Nationality is governed by Ordinance No. 84-33 of 23 August 1984, article 8 of which provides: "any person born in Niger of a direct ascendant in the first degree also born there has the nationality of Niger"; article 10 states: "a child born in Niger of unknown parents has the nationality of Niger"; article 11 states: "the legitimate child of a father with the nationality of Niger has the same nationality" [and] "a natural child shall have the nationality of Niger if the father in respect of whom filiation has been established is of that nationality"; article 12 states: "... can, up to the age of majority, opt for the nationality of Niger, provided he is permanently resident in the country"; the legitimate child of a mother having the nationality of Niger and a father of foreign nationality, without nationality or of unknown nationality is also entitled to the nationality of Niger" [and] "a natural child shall have the nationality of Niger where the mother in respect of whom filiation has been established is of that nationality, if the ascendant is of foreign nationality, has no nationality or is of unknown nationality".

20. Articles 20 to 23 confer the nationality of Niger by filiation or a minor child whose parent acquires that nationality. Similarly, article 27 allows a minor aged 16 years to apply for naturalization without authorization.

21. The priorities and specific objectives which Niger has set for itself in this area are as follows:

(a) To review all provisions of the law that do not favour the protection of children and mothers;

(b) To adopt and ratify all the international instruments relating to protection of children and mothers;

(c) To establish a jurisdiction for children;

(d) To seek to secure a reduction in the rates of child abandonment, abortion and infanticide;

(e) To safeguard and protect the life of children;

(f) To protect the physical, moral and mental integrity of children;

(g) To strengthen the instruments and legal framework designed to provide better protection for children.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

22. As regards the legislation in this field, all the areas of child protection are not expressly defined in the various subjects dealt with in the internal law of Niger and the lack of a Family Code increases this handicap. While much still remains to be done, the legislation has nevertheless devoted attention to the protection of children in connection with the responsibility of parents for the upbringing and maintenance of their children (art. 18). Article 203 of the Civil Code provides that, simply by marrying, the spouses together assume the obligation to ensure the nourishment, maintenance and upbringing of their children. In the event of divorce or separation of the spouses, the spouse who does not have custody of the children is required to pay a regular maintenance allowance. Failure to make this payment constitutes an offence punishable under article 261 of the Criminal Code. In the event of divorce, the child is always given into the custody of the more diligent parent, solely in the child's interest.

23. The parents may be officially deprived of their parental rights if the health, safety or morality of their unemancipated minor child are in danger or if the conditions for the child's upbringing are seriously compromised. Measures of educational assistance may be ordered.

24. The most distressing case is that of natural children. Regarded as a curse, they are eliminated, abandoned or ill-treated, in defiance of the right to life, the right to a name and a domicile and the right to protection against ill-treatment. The Civil Code has instituted penalties for violations of this nature.

VI. BASIC HEALTH AND WELFARE

25. Despite the enormous efforts that have been made, it must be recognized that the maternal and child health targets set are a long way from achievement. The present health system centred on fixed health facilities does not meet the real health needs of the rural population, which accounts for 85 per cent of the total population of Niger. The health service coverage, estimated at 31.23 per cent, relates in fact only to the population living within five kilometres of the health facilities. This situation does little to ensure protection of those who are particularly vulnerable: mothers and children.

26. The following indicators (1988 census) clearly reveal this situation:

Child-infant mortality rate	225 per thousand
Infant mortality rate	132 per thousand
Neo-natal mortality rate	44 per thousand
Coverage of post-natal supervision (0 - 1 years)	232 per thousand*
Acute malnutrition	16.8 per thousand
Chronic malnutrition	25 per cent
Low weight at birth	20 per thousand
Maternal mortality rate	7 per thousand
Pre-natal coverage	330 per thousand*
Obstetrical coverage	280 per thousand*
Birth rate	53 per thousand
Children aged 0 - 5 years	20 per thousand
Total population growth rate	3.4 per thousand

* 1990 figure.

27. Maternal and child health care is included in primary health care at all levels of the health pyramid, from the base to the apex (national maternity and general hospitals).

28. Villages lacking a dispensary. In such villages midwives carry out MCH activities, namely supervision of pregnancy and identification of risk factors, normal deliveries, reference of cases exceeding their competence, and post-natal care. They also treat diarrhoea in children and provide health and nutritional instruction. Between 1965 and 1986, 6,836 midwives were trained.

29. Dispensaries and medical teams. These incorporate MCH activities in primary health care within a radius of five kilometres. Some also carry out outside or mobile activities that strengthen the provision of care through greater accessibility in areas at a distance from the centres.

30. MCH centres. These are autonomous or form part of a medical centre. They provide care for mothers and children in the areas of treatment, prevention and health and nutrition education. In 1989, 66 per cent of the CSMI consultations for treatment were for children up to the age of five

years. Where necessary, the patients are referred to hospitals. In each of the Niamey MCH centres there is an intensive care unit with day hospitalization for oral or intravenous rehydration of children already dehydrated or threatened with dehydration and for placing certain cases of fever under observation.

31. Maternity and general hospitals and departmental hospital centres. The reference centres have maternity facilities and a unit for the hospitalization of women and children.

32. Human resources. The large maternal and child welfare centres are headed by a physician in general practice. Each hospital has three local paediatricians and five local gynaecologist-obstetricians. In certain cases, however, cooperation programme workers, persons serving under contracts and NGO volunteers work in the maternal and child health sector. All workers in the health sector staff have received general basic training, but the provision of full services in rural areas is restricted by the shortage of material and financial resources.

33. Financial resources for maternal and child health care. These are included in the overall budget of the Ministry of Health, which accounts for 6 per cent of the national budget. In addition, there is a very substantial foreign contribution (WHO, UNFPA, WFP, UNICEF, USAID, Netherlands Cooperation, CARE, HELLEN KELLER (HKI), RESSFOP, Coopération belge).

34. Niger has drawn up, within the framework of an integrated family health policy, a long-term programme of action in the area of family planning. This programme is being executed by the Family Planning Directorate.

35. As regards social security benefits, a family allowance is paid monthly to civil servants, the amount varying with the number of their children. The allowance is the same for all grades. No more than six children give entitlement to the allowance. Quarterly allowances are also granted to the families of auxiliary workers, but without any limitation on the number of children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

36. In Niger, as in all other countries, the educational system is centred on the child. The expansion of education, the improvement of health and self-sufficiency in food are three priority areas that have been identified by the State of Niger. An effort is being made to raise staff levels by increasing the number of schools, even in rural areas.

37. Between 1961 and 1991 the primary school attendance ratio increased from 4.5 per cent to 23.5 per cent (source: Ministry of Education). However, there are still considerable differences from region to region. These are due to the very scattered population and the distance of homes from schools, as well as to family behaviour. Parents feel less inclined to invest in the education of their children, because a return on the investment is thought less certain in the current economic context.

38. Niger has for several years been faced with a dual imbalance: between current development trends and long-term training needs and between the objectives of the educational system and the country's economic and financial situation. These imbalances are recognized, however, and Niger will give priority to halting, by the end of the decade, the decline in the primary school attendance ratio (from 27.5 per cent in 1982 to 23.5 per cent in 1990) and gradually increasing this ratio. The reform that is planned to this end should lead to an improvement in the efficiency of teachers, place emphasis on the training of assistant teachers and adapt school curricula to the national situation.

39. As far as we are aware, no measure has been taken to make school attendance compulsory in Niger. In principle, however, free primary education is available for all, although in the present circumstances the available resources are inadequate to cope with the education costs. It should be noted that in secondary schools and colleges quarterly allowances are granted to orphans, children of poor families and children studying far from their home. School canteens have been set up in the desert regions and where the population is essentially nomadic.

40. The resolutions of the Conference of African Ministers of Education, held in Addis Ababa in 1961, called not only for the achievement of education for all by the year 1990, but also for 30 per cent of students to have access to secondary education. In Niger, these two objectives are far from achieved, although there has been quite an increase in the number of students moving up from intermediate level 2 of primary school to 6th grade.

41. The development of technical education is still very limited in Niger. There is a national technical secondary school at Maradi, which has been functioning since 1969, a vocational training school at Niamey and three technology centres (two at Niamey and one at Zinder). In addition, there are about a dozen private schools providing training for the tertiary sector in the areas of information technology, accounting, secretarial work, insurance, etc. Unfortunately, all the training courses do not guarantee access to the labour market.

42. In order to facilitate the development of science teaching and the provision of training that will lead to employment, there has existed, since 1983, an orientation system under which two thirds of students with the vocational education certificate go into secondary course C and only one third to A. This formula has so far been observed by all the national commissions on student orientation and the award of scholarships.

43. In a country such as Niger where the chances of access to education and to job training are small and the State's resources are very limited, handicapped children have very little opportunity to study and to find employment. Most of them engage in begging. Campaigns have been undertaken with the aim of alleviating the problems experienced by the handicapped in the fields of education, training and social welfare. As regards provision of schooling, reference may be made to the existence of three schools for the deaf and one school for the blind. Children with motor deficiencies attend the ordinary schools.

44. In the coming years efforts will be focused on schooling, literacy and the teaching of girls because, despite steady growth (female enrolments increased threefold between 1976 and 1986), the gap between girls and boys as regards access to education has been increasing: male students are three times more numerous than females (72 per cent as compared with 28 per cent). Early marriages in rural areas, in particular, as well as pregnancies before marriage, must be added to such factors as family constraints, a limited school infrastructure, etc.

45. According to the decisions of the Sovereign National Conference, schooling in Niger should be democratic and for the people and should benefit all the country's children on a basis of equity and justice. It should contribute to development of the individual and to positive transformation of the environment and of society. It should also aim to promote national and African cultural values, to raise the cultural level of the population and to accelerate the country's economic development through the training it provides. Each form of education should prepare those taught for entry into the world of work.

46. In all human communities, the various systems of education (formal and non-formal education and work apprenticeship) have always had as their objective the training of people to assume responsibility for their destiny. The schools must teach civics and the meaning of the State, as well as tolerance and respect for human rights. They must encourage the creation of a world of peace, justice and freedom.

47. The educational system, at all levels, must link the schools with life, theory with practice and general training with gainful employment. It should seek always to enable students and pupils to assume responsibility for themselves by acquiring manual or intellectual skills.

48. As for children's leisure and recreational and cultural activities, these are centred mainly on the practice of sports and theatrical activities in colleges, secondary schools and cultural centres. Three years ago the Ministry of Youth and Sport established a "Sport for All" Committee to develop sports activities among young people in particular.

49. In the field of handicrafts, the Centres Culturels Franco Nigériens at Niamey and Zinder and the Oumarou Ganda Cultural Centre offer young people a broad range of activities including a drawing workshop, a painting workshop, a ceramics workshop and an audio-visual activities workshop (youth cinema, photographic laboratory, video programmes, etc.).

50. In the area of general cultural activities, these centres, as well as the Maisons de Jeunes et de la Culture (MJC) and the Centre de Promotion Musicale, are equipped with theatres, music rooms and reading rooms, as well as play rooms for children. The large attendance of children at these facilities is evidence of their interest in cultural activities.

51. Regarding the area of social instruction, Niger has for several years been conducting a "Green Sahel" operation as part of the efforts to combat desertification and deforestation. Young people from several countries (France, Canada, Mali, etc.) have taken part in this operation.

52. Holiday camps are organized by the National Tourism Office in certain regions of Niger and sometimes in neighbouring countries. The scope of this programme could be much broader (the camps receive only 30 to 40 children), considering the total number of children who could benefit from it.

VIII. SPECIAL PROTECTION MEASURES

53. The deterioration of traditional values, such as solidarity and the nuclear family, as well as urbanization and the problems that accompany it, have given rise to a new phenomenon: the problem of children living in situations of great precariousness. No serious studies have as yet quantified this phenomenon but the situation is indeed serious. There are several different categories of children who are in a precarious situation.

54. Street children. These are children whose parents have died, children entrusted to guardians who are too "busy" to bring up their own children, and young people who have come to the towns with their marabouts. They become exposed to the influence of alcohol, drugs, tobacco and rape. They are also vulnerable to daily raids by the police and often receive prison sentences.

55. Abandoned children. These are often unwanted children, abandoned by their mother after delivery in a gesture dictated by fear of social disgrace, because delivery of a child outside marriage is stigmatized by society in general, even if a change of attitude is taking place in this regard.

56. Child workers. In order to escape a life of poverty, young people without family support engage very early in the world of work, where they are prepared to carry out any task. They are to be found mainly in the informal work sector, where they function as messengers, apprentices, street vendors, shoeshine boys, etc.

57. Child prostitutes. These are mainly young females from the poorest strata of the population who see prostitution as the only way of improving their situation and achieving material well-being. They are exposed to all kinds of hazards, particularly from the health standpoint.

58. Displaced children. These are cases which arise in emergency situations: drought, unfavourable conditions, refugee status, expulsion from certain neighbouring countries. These children generally benefit from international assistance. The refugees, who in most cases come from Chad, are cared for by the Red Cross of Niger.

59. The action taken in this field is still hesitant and inadequate. The Government of Niger has set up certain machinery and has adopted measures aimed at improving the situation of these children. Emphasis is placed on prevention, but also on the provision of assistance and care. The facilities available in this field are the following:

(a) The Social Development Directorate is responsible for analysing the situation and instituting appropriate measures;

(b) The Dakoro Re-education Centre, established in 1952, takes in undisciplined children and abandoned minors and seeks to facilitate their social reintegration. However its "penitentiary" regime gives it the reputation of being a "children's prison", mainly because of its link with the Ministry of Justice;

(c) The Schools Social Service, which concentrates primarily on the prevention of juvenile delinquency;

(d) The Social Services of the Ministry of Justice play a role in the protection and education of minor children in cooperation with their families;

(e) The Niamey Children's Home was set up in 1979 to take in abandoned babies. Since its establishment it has already admitted more than 100 children for many of whom it has arranged placement or adoption. In 1993 the Home admitted 18 children. Of these, two were handed over to their parents, four died, six were adopted (under international adoption schemes), two were transferred to the SOS Village and two are living at the Home;

(f) The SOS Village and the orphanage, the result of German and Kuwaiti cooperation programmes, respectively, were established to care for abandoned children and orphans and to give them a better education;

(g) The National Museum Research Centre admits mainly street children of primary school intermediate levels 1 and 2, as well as physically handicapped children, for instruction in arts and crafts.

60. Other institutions also help to deal with children in precarious situations: the Association des Femmes du Niger (AFN), the Association Islamique, the Association pour la Promotion des Jeunes, the Fédération des Handicapés, CARITAS, etc.

61. For Niger, the National Programme of Action for the Survival, Protection and Development of Children is a further opportunity to do even more for children and to take advantage, as far as possible, of the opportunities that were missed during the 1980s. By associating itself with the conclusions of the Summit, Niger also wishes to indicate its acceptance of the principle of the primacy of the child's interest. It believes that investment in children will guarantee a better future for the nation and its development plans will henceforth be centred on the care and development of children.